

**DETERMINATION AND FINDINGS FOR AN
SOLE SOURCE CONTRACT**

Contract No: DCHT-2014-C-0024-A03
Caption: Temporary Staffing Services
Proposed Contractor: Capital Care, Inc.
Program Agency: Department of Health Care Finance

FINDINGS

1. Authorization:

D.C. Official Code §2-354.04, 27 DCMR §§ 1304 and 1700

2. Minimum Need:

The Department of Health Care Finance (DHCF or the Agency) of the District of Columbia (District) has a minimum need to continue Temporary Staffing Services for personnel to ensure the District meets the needs of DC Medicaid beneficiaries (“Beneficiaries”) who have been determined eligible for, and in need of, Personal Care Aide (PCA) services.

3. Estimated Reasonable Cost:

The estimated fair and reasonable price to provide the required services during the Contract shall be in the amount of (\$2,000,000.00). The price is determined to be fair and reasonable, based on the fact that the unit prices for the Contract are the same as those paid by the District under previous contracts. The term of the Contract shall be from November 2, 2014 through June 30, 2015.

4. Facts Which Justify Sole Source Procurement:

It is necessary to enter into a Sole Source Contract with Capital Care, Inc., in order to avoid disruption of the essential PCA services to the Beneficiaries, and nursing staffing needs until June 30, 2015, to ensure continuity of care to the Beneficiaries, and to ensure compliance with Federal and District mandates Chapter 50, Medicaid Reimbursement For Personal Care Aide Services, of Title 29, Public Welfare, of the DCMR § 5000, *et seq.*, Provider Qualifications, while the Contractor completes the process to become an approved HHA.

The Beneficiaries were adversely impacted by recent law enforcement actions that forced the closure of several large Home Health Agencies (HHA) accused of Medicaid fraud. DHCF received approval from Center for Medicare and Medicaid Services (CMS) and Department of Health (DOH) to establish a temporary HHA within DHCF to ensure that each of the Beneficiaries affected by the raid would have

continuity of care with regard to PCA services. Capital Care, Inc., (Capital Care) was one of the contractors selected by DHCF to provide the PCA services. Capital Care, Inc. has performed the required services satisfactorily since it was awarded the contract. Removing the Beneficiaries that are currently in Capital Care's care from Capital Care would be potentially harmful to the Beneficiaries. The Beneficiaries are frail and elderly. The Beneficiaries require assistance in order to conduct regular daily activities such as bathing, dressing, taking their meals, etc. Providing continuity of care to the Beneficiaries is a top priority for DHCF, and this can only be achieved by keeping the Beneficiaries that are currently being served by Capital Care with Capital Care, Inc. until a more permanent solution is determined by DHCF.

5. Certification by the Contracting Officer:

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. The notice on intent to award a sole source contract was posted on OCP website and no responses were received. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

6. Certification by Agency Head:

I hereby certify that the above findings are correct and complete.

Date

Wayne Turnage,
Director

7. Certification by the Contracting Officer

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. The notice on intent to award a sole source contract was posted on OCP website and no responses were received. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

Date

Kenneth Evans
Contracting Officer

DETERMINATION

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive solicitation process under D.C. Official Code § 2-354.04 Sec (a)(b)(c), DCMR 1700 and D.C. Law 18-371. Accordingly, I determine that the District is justified in using the Sole Source Method of Procurement. In addition it is determined that this method is in the best interest of the District.

Date

James D. Staton Jr.
Chief Procurement Officer